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SENATE BILL 780

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR MUNICIPAL TRAFFIC VIOLATION PENALTIES AND FEES TO BE THE SAME AS IN THE MOTOR VEHICLE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-17-14) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR PROHIBITION.--A municipality may by ordinance:

A. define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist; provided that penalties and fees imposed by a civil or criminal nuisance ordinance for violation of municipal traffic laws or codes, including those imposed by a home-rule municipality that has adopted a charter pursuant to Article 10,

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1 Section 6 of the constitution of New Mexico, shall not be  
2 different than the penalties and fees imposed by the state in  
3 the Motor Vehicle Code for violation of identical or similar  
4 traffic laws;

5 B. regulate or prohibit any amusement or practice  
6 [~~which~~] that tends to annoy persons on a street or public  
7 ground; and

- 8 C. prohibit and suppress:
- 9 (1) gambling and the use of fraudulent devices
  - 10 or practices for the purpose of obtaining money or property;
  - 11 (2) the sale, possession or exhibition of
  - 12 obscene or immoral publications, prints, pictures or
  - 13 illustrations;
  - 14 (3) public intoxication;
  - 15 (4) disorderly conduct; and
  - 16 (5) riots, noises, disturbances or disorderly
  - 17 assemblies in any public or private place."

18 Section 2. Section 66-7-9 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 379, as amended) is amended to read:

20 "66-7-9. POWERS OF LOCAL AUTHORITIES.--

21 A. The provisions of the Motor Vehicle Code shall  
22 not be deemed to prevent local authorities, with respect to  
23 streets and highways under their jurisdiction and within the  
24 reasonable exercise of the police power, from:

- 25 (1) regulating the standing or parking of

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1 vehicles;

2 (2) regulating traffic by means of police  
3 officers or traffic-control signals;

4 (3) regulating or prohibiting processions or  
5 assemblages on the highways;

6 (4) designating particular highways as one-way  
7 highways and requiring that all vehicles thereon be moved in  
8 one specific direction;

9 (5) regulating the speed of vehicles in public  
10 parks;

11 (6) designating any highway as a through  
12 highway and requiring that all vehicles stop before entering or  
13 crossing it or designating any intersection as a stop  
14 intersection or a yield intersection and requiring all vehicles  
15 to stop or yield at one or more entrances to the intersection;

16 (7) restricting the use of highways as  
17 authorized in the Motor Vehicle Code;

18 (8) regulating the operation of bicycles and  
19 requiring their registration and licensing, including the  
20 requirement of a registration fee;

21 (9) regulating or prohibiting the turning of  
22 vehicles, or specified types of vehicles, at intersections;

23 (10) altering the maximum speed limits as  
24 authorized in the Motor Vehicle Code;

25 (11) adopting other traffic regulations as

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1 specifically authorized by the Motor Vehicle Code;

2 (12) regulating the operation of snowmobiles  
3 on public lands, waters and property under their jurisdiction  
4 and on streets and highways within their boundaries by  
5 resolution or ordinance of their governing bodies and by giving  
6 appropriate notice, if such regulation is not inconsistent with  
7 the provisions of [~~Sections 66-9-1 through 66-9-13 NMSA 1978~~]  
8 the Off-Highway Motor Vehicle Act; or

9 (13) regulating the operation of golf carts on  
10 public lands and property under their jurisdiction and on  
11 streets and roads within their boundaries by resolution or  
12 ordinance of their governing bodies and requiring their  
13 registration and licensing, including the payment of a  
14 registration fee; provided, the resolution or ordinance shall:

15 (a) not permit operation of a golf cart  
16 on any state highway; and

17 (b) require that the golf cart be in  
18 compliance with Section 66-3-887 NMSA 1978 [~~and~~

19 ~~(c) not be inconsistent with the~~  
20 ~~provisions of Sections 66-3-1001 through 66-3-1016 NMSA 1978].~~

21 B. No local authority shall erect or maintain any  
22 stop sign or traffic-control signal at any location so as to  
23 require the traffic on any state highway to stop or yield  
24 before entering or crossing any intersecting highway unless  
25 approval in writing has first been obtained from the state

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1 transportation commission.

2 C. No ordinance or regulation enacted under  
3 Paragraph (4), (5), (6), (7) or (10) of Subsection A of this  
4 section shall be effective until signs giving notice of the  
5 local traffic regulations are posted upon or at the entrances  
6 to the highway or part thereof affected as may be most  
7 appropriate.

8 D. A local authority, including a home-rule  
9 municipality that has adopted a charter pursuant to Article 10,  
10 Section 6 of the constitution of New Mexico, shall not adopt a  
11 civil or criminal ordinance in which the penalties and fees for  
12 the violation of provisions of the Motor Vehicle Code are  
13 different than the penalties and fees established in that code  
14 for violation of the same provisions."

15 Section 3. Section 66-8-130 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 538, as amended) is amended to read:

17 "66-8-130. ALL TRAFFIC CITATIONS TO CONFORM--  
18 MUNICIPALITIES MAY PASS ORDINANCE TO ESTABLISH SIMILAR  
19 PROGRAM.--

20 A. The uniform traffic citation shall be used by  
21 all state and local agencies enforcing laws and ordinances  
22 relating to motor vehicles. Any municipality may, by passage  
23 of an ordinance, establish a municipal penalty assessment  
24 program similar to that established in Sections 66-8-116  
25 through 66-8-117 NMSA 1978 for violations of provisions of the

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1 Motor Vehicle Code; provided that a municipality, including a  
2 home-rule municipality that has adopted a charter pursuant to  
3 Article 10, Section 6 of the constitution of New Mexico, shall  
4 not:

5 (1) impose a penalty assessment different from  
6 or in addition to the penalty assessments provided in Sections  
7 66-8-116 through 66-8-116.2 NMSA 1978;

8 (2) impose a penalty assessment fee different  
9 from or in addition to the penalty assessment fees provided in  
10 Section 66-8-116.3 NMSA 1978 and Subsection B of this section;  
11 or

12 (3) make a distribution of penalty assessment  
13 fee receipts different from or in addition to the distribution  
14 provided in Subsection B of Section 66-8-119 NMSA 1978 and  
15 Subsection B of this section.

16 B. Every municipality that has adopted an ordinance  
17 to establish a penalty assessment program shall assess on all  
18 penalty assessment misdemeanors after January 1, 1984, in  
19 addition to the penalty assessment, a penalty assessment fee of  
20 ten dollars (\$10.00) to be deposited in a special fund in the  
21 municipal treasury for use by the municipality only for  
22 municipal jailer training; for the construction planning,  
23 construction, operation and maintenance of the municipal jail;  
24 for paying the costs of housing that municipality's prisoners  
25 in other detention facilities in the state; or for complying

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1 with match or contribution requirements for the receipt of  
2 federal funds relating to jails. Such a municipal program  
3 shall be limited to violations of municipal traffic ordinances.

4 ~~[B.]~~ C. All penalty assessments and fees under a  
5 municipal program authorized by this section shall be processed  
6 by the municipal court, and all ~~[fines and fees]~~ penalty  
7 assessment receipts collected shall be deposited in the  
8 treasury of the municipality and all penalty assessment fee  
9 receipts shall be remitted to the state treasurer to be  
10 credited as provided in Subsection B of Section 66-8-119 NMSA  
11 1978. A copy of each penalty assessment processed shall be  
12 forwarded to the division within ten days of completion of  
13 local processing for posting to the driver's record. With the  
14 prior approval of the director, the required information may be  
15 submitted to the division by electronic means in lieu of  
16 forwarding copies of the penalty assessments.

17 ~~[G.]~~ D. Each agency shall provide itself with copies  
18 conforming exactly in size and format with the uniform traffic  
19 citation prescribed by the director, and any alterations to  
20 conform with local conditions must be approved by the  
21 director."